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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,794	02/08/2001	Hiroshi Isono	108482	3978

25944 7590 01/21/2003

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EXAMINER

BURCH, MELODY M

ART UNIT PAPER NUMBER

3683

DATE MAILED: 01/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/778,794

Applicant(s)

ISONO ET AL.

Examiner

Melody M. Burch

Art Unit

3683

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 December 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see number 5.

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: 19.

Claim(s) rejected: 1, 3-12, 14, 16-18, 20 and 21.

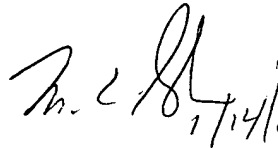
Claim(s) withdrawn from consideration: _____

8. ☒ The proposed drawing correction filed on 19 June 2002 is a) ☐ approved or b) ☒ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☒ Other: Note the attached PTO-892

Continuation of 3. Applicant's reply has overcome the following rejection(s): Upon entry of the amendments, the amendment overcomes the 112 rejection to claim 1 with regards to the phrase "fluid pressure" in line 3, the 112 rejection to claims 3 and 8 with regards to the phrase "if the pressure" in line 8, and the 112 rejection with regards to the phrase "the power" in claim 5. Finally the objection to the drawing regarding PMO has been withdrawn in light of Applicant's response.

Continuation of 5. does NOT place the application in condition for allowance because: the inclusion of the limitation of "the opening amount of the brake operation" in claim 3 and the change of the limitation of a "reservoir tank" to a --reservoir chamber-- being larger than the pressure chamber of the master cylinder in claim 8 raise new issues that require further consideration. Further consideration has been given to the objection regarding the details added to the master cylinder in figure 1 and to the inclusion of the detailed figure 1A and the corresponding added information to the specification. Examiner notes that the added details fail to illustrate the invention to the same extent as it is described in the specification, for example, paragraph [0047] provides support for three return springs 1.) the return spring for the power piston 2.) the return spring for the input member and 3.) the return spring for the master cylinder, however, only two springs are shown in revised figure 1 and new figure 1A. Examiner has included US Patent 4708404 to Seibert et al. with this Advisory Action to demonstrate that there is no standard internal structure for master cylinders. The master cylinder 1 of the Seibert et al. reference, for example, includes two pistons 2,3 and three springs 26,29,30 but is not drawn in the same fashion as Applicant's revised figure 1 and new figure 1A. Accordingly the new matter objection has been maintained.

mmb
1/14/03


1/14/2003
MATTHEW C. GRAHAM
PRIMARY EXAMINER
GROUP 310